

SUPPORTING DOCUMENT NO. 1

Tentative Water Quality Certification 05C-127 and Waiver of Waste Discharge Requirements: Greystone Homes, Sky Ranch project in Santee, San Diego County.



California Regional Water Quality Control Board

San Diego Region



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

Action on Request for Clean Water Act section 401 Water Quality Certification and Waiver of Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

PROJECT: Sky Ranch
(File No.04C-127)

APPLICANT: Greystone Homes, Inc., Lennar Corporation
Attention: Peter Fagrell
1525 Faraday, Suite 300
Carlsbad, CA 92008

ACTION:

- | | |
|---|--|
| <input type="checkbox"/> Order for Low Impact Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically-conditioned Certification | <input checked="" type="checkbox"/> Waiver of Waste Discharge Requirements |

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the Greystone Homes, Inc., Lennar Corporation, shall satisfy the following:

A. GENERAL CONDITIONS

1. The Greystone Homes, Inc., Lennar Corporation, shall, at all times, fully comply with the engineering plans, specifications and technical reports submitted with this application for 401 Water Quality Certification and all subsequent submittals required as part of this certification.
2. The Greystone Homes, Inc., Lennar Corporation, shall comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
3. The Greystone Homes, Inc., Lennar Corporation, shall maintain a copy of this certification, the application, and supporting documentation at the project site at all times for review by site personnel and agencies.
4. Prior to the start of the project and annually thereafter, the Greystone Homes, Inc., Lennar Corporation, shall educate all personnel on the requirements in this certification, pollution prevention measures, and spill response.
5. The Greystone Homes, Inc., Lennar Corporation, shall permit the Board or its authorized representative at all times, upon presentation of credentials:
 - a) Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b) Access to copy any records required to be kept under the terms and conditions of this certification.
 - c) Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
 - d) Sampling of any discharge or surface water covered by this Order.

6. The Greystone Homes, Inc., Lennar Corporation, shall notify the Regional Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional BMPs or other measures that will be implemented to prevent future discharges.
7. The Greystone Homes, Inc., Lennar Corporation, shall, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reached a waters of the U.S. and/or State.
8. This Certification is not transferable to any person(s) except after notice to the Executive Officer of the San Diego Regional Water Quality Control Board (Regional Board). The applicant shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new owner(s) containing a specific date for the transfer of this Certification's responsibility and coverage between the current discharger and the new discharger(s). This agreement shall include an acknowledgement that the existing owner is liable for compliance and violations up to the transfer date and that the new owner(s) is/are liable from the transfer date on.
9. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
10. In response to a suspected violation of any condition of this certification, the Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the RWQCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
11. In response to any violation of the conditions of this certification, the RWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

B. POST CONSTRUCTION STORM WATER MANAGEMENT

1. All of the elements of the Final Storm Water Management Plan for Sky Ranch (dated October 26, 2005), prepared by Hunsaker & Associates, shall be implemented and maintained by Greystone Homes, Inc., Lennar Corporation or successive owners of the Sky Ranch development.

2. In addition to the BMPs described in the Final Storm Water Management Plan for Sky Ranch, the structural BMPs shall be sized to comply with the following numeric sizing criteria:

Volume

Volume-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

- i. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record (0.6 inch approximate average for the San Diego County area); or
- ii. The volume of runoff produced by the 85th percentile 24-hour rainfall event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
- iii. The volume of annual runoff based on unit basin storage volume, to achieve 90% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/Commercial, (1993); or
- iv. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event; or

Flow

Flow-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

- i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
- ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
- iii. The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

3. All storm drain inlet structures within the project boundaries shall be stamped and/or stenciled with appropriate language prohibiting non-storm water discharges.
4. Post-construction BMPs must be installed and functional prior to occupancy and/or planned use of development areas.

5. Greystone Homes, Inc., Lennar Corporation, their designated party, or other parties that assume future transferred liability under this Certification, shall inspect and maintain post-construction structural BMPs per the manufacturers' specifications and/or engineering design specifications. An inspection and maintenance log shall be maintained for review by germane agencies. Copies of the inspection and maintenance log shall be provided to the Regional Board upon request.
6. Before occupancy, Greystone Homes, Inc., Lennar Corporation, their designated party or the successor owners of the Sky Ranch development, shall submit a letter to the Regional Board and the City of Santee describing where the post-construction inspection and maintenance log will be kept. Failure to maintain a post-construction inspection and maintenance log will be a violation of this Certification.

C. MITIGATION

1. Mitigation for the proposed 0.14 acre permanent impact of upland, ephemeral, unvegetated streams (waters of the U.S. and State), shall be achieved at a 3:1 ratio, by the creation of 0.29 acre and enhancement of 0.14 acre of riparian scrub adjacent to and in the floodplain of the San Diego River in Santee. The proposed mitigation, monitoring and maintenance is described in the Mast Park Mitigation Plan (September 20, 2005) and the Amended Application (September 21, 2005). Both documents were prepared by HELIX Environmental Planning and shall be implemented as described.
2. Maintenance plan and success criteria: The Greystone Homes, Inc., Lennar Corporation shall monitor and maintain the mitigation areas *until success criteria is met* as outlined in the Mitigation Plan.
3. Within 90 days of the issuance of this certification, Greystone Homes, Inc., Lennar Corporation, shall provide a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. The conservation easement or other legal limitation on the mitigation property shall be adequate to demonstrate that the site will be maintained without future development or encroachment on the site or which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the U.S. that it supports. The conservation easement or other appropriate legal limitation shall prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland functions and values of the site. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, paved maintenance roads, and areas of maintained landscaping for recreation. The Greystone Homes, Inc., Lennar Corporation, shall submit proof of a completed preservation mechanism within one year of issuance of this certification.

4. Greystone Homes, Inc., Lennar Corporation, shall submit a report (including topography maps and planting locations) to the Regional Board within 90 days of completion of mitigation site preparation and planting, describing as-built status of the mitigation project. If the site grading and planting are not completed within six weeks of each other, separate reports will be submitted describing those specific as-built conditions.
5. The construction of proposed mitigation shall be completed within the same calendar year as impacts occur, or at least no later than 9 months following the close of the calendar year in which impacts first occur (e.g., if impacts occur in June 2003, construction of mitigation for all impacts must be completed no later than September 2004). Delays in implementing mitigation shall result in an increased mitigation ratio by 1.0 acre for each acre of impact for each year, or part thereof, of delay.
6. Mitigation areas shall be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species shall not occupy more than 5 percent of the onsite or offsite mitigation areas.
7. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, Greystone Homes, Inc., Lennar Corporation, shall be responsible for repair and replanting of the damaged area(s).
8. Mitigation monitoring reports shall be submitted annually until mitigation has been deemed successful. Monitoring reports shall be submitted no later than 30 days following the end of the monitoring period. Monitoring reports shall include, but not be limited to, the following:
 - a) Names, qualifications, and affiliations of the persons contributing to the report;
 - b) Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 - c) Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - d) Photodocumentation from established reference points;
 - e) Survey report documenting boundaries of mitigation area; and
 - f) Other items specified in the draft and final Wetland and Riparian Mitigation and Monitoring Plan.
9. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species shall be quantified to comply with mitigation requirements

10. For purposes of this certification, creation is defined as the creation of vegetated or unvegetated waters of the U.S. where they have never been documented or known to occur (e.g., conversion of nonnative grassland to freshwater marsh). Restoration is defined as the creation of waters of the U.S. where they previously occurred (e.g., removal of fill material to restore a drainage). Enhancement is defined as modifying existing waters of the U.S. to enhance functions and values (e.g., removal of exotic plant species from jurisdictional areas and replacing with native species).

D. REPORTING

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

3. Greystone Homes, Inc., Lennar Corporation, shall submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; File No. 04C-127
9174 Sky Park Court, Suite 100
San Diego, California 92123

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On October 21, 2004, receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Mike Porter
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2726
mporter@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Sky Ranch** project (File No. 04C-127) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under California Regional Water Quality Control Board, San Diego Region, Waiver of Waste Discharge Requirements (Waiver Policy) No. 17. Please note that this waiver is conditional and, should new information come to our attention that indicates a water quality problem, the regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).

TENTATIVE

John H. Robertus
Executive Officer
Regional Water Quality Control Board

Date

Attachments: 1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Map
 5. Mitigation Map

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Greystone Homes, Inc., Lennar Corporation
Mr. Peter Fagrell
1525 Faraday, Suite 300
Carlsbad, CA 92008
Telephone: 619-258-4100 ext. 167
Facsimile: 619-562-9376
E-mail: peter.fagrell@lennar.com

**Applicant
Representatives:** Helix Environmental Planning
Dr. Stephen Neudecker
8100 La Mesa Blvd., Suite 150
La Mesa, CA 91941
Telephone: 619-462-1515
Facsimile: 619-462-0552
E-mail: steven@helixepi.com

Project Name: Sky Ranch

Project Location: The project is located in the City of Santee, east of SR 67 and Graves Avenue, south of Shadow Hill Road, and north of Valley High Road. The center of the project is approximately located at latitude 32°51'00" north , longitude 116°58'00" east.

Type of Project: Residential housing, public park and related infrastructure.

Project Description: The 377.5-acres site is proposed to be developed into 149 multi-family and 224 single-family residential units, a 1-acre public park, and related infrastructure (roads and utilities). 231.6 acres of the project site will not be developed and will be permanently protected as a dedicated open space.

Federal Agency/Permit: Army Corps of Engineers, Nationwide Permit 39

**Other Required Regulatory
Approvals:** California Department of Fish and Game, Streambed Alteration Agreement

**California Environmental
Quality Act (CEQA)
Compliance:** City of Santee Environmental Impact Report, Sky Ranch Development Project, SCH No. 2004101103, June 9, 2005.

Receiving Water: Unnamed, unvegetated, upland, ephemeral streams tributary to concrete brow ditches that eventually flow to Forester Creek. San Diego Hydrologic Unit, Lower San Diego hydrologic area, Santee hydrologic subarea (907.12).

Impacted Waters of the United States:	The proposed project will permanently impact (fill) 0.14 acre (4018 linear feet) of unvegetated waters of the U.S.
Dredge Volume:	None
Related Projects Implemented/to be Implemented by the Applicant(s):	The Greystone Homes, Inc., Lennar Corporation has not disclosed a related project.
Compensatory Mitigation:	Compensatory mitigation is described in the September 20, 2005, <u>Mast Park Wetland Habitat Restoration Plan</u> , by HELIX Environmental Planning. Proposed mitigation consists of the 2:1 creation (0.28 acre) and 1:1 enhancement (0.14 acre) of riparian habitat. The mitigation area is owned by the City of Santee, is located south and adjacent to the San Diego River, and is east of Carlton Hills Boulevard.
Best Management Practices:	<p>The <u>Final Storm Water Management Plan for Sky Ranch</u> (October 6, 2005) and the <u>Storm Water Pollution Prevention Plan</u> (July 6, 2005), both prepared by Hunsaker & Associates, proposes adequate construction and post-construction BMPs.</p> <p><i>Construction Phase</i></p> <p>This project is subject to the General Storm Water Permit for Construction Activity (SWRCB Order 99-08). The Storm Water Pollution Prevention Plan proposes standard construction structural and non-structural Best Management Practices (BMPs). Some of these BMP categories include housekeeping, solid waste containment, erosion control, sediment control, construction materials delivery and storage, hazardous materials and waste management and storage, concrete waste management, vehicle and equipment maintenance, and landscaping.</p> <p><i>Post-Construction Phase</i></p> <p>This project is subject to the SUSMP provision within the San Diego Municipal Storm Water Permit (RWQCB Order 2001-01). The Storm Water Management Plan proposes adequate Site Design BMPs, Source Control BMPs, and Treatment Control BMPs to prevent and treat post-construction storm water and non-storm water runoff.</p> <p><u>Site Design</u> BMPs include:</p> <p>(1) Controlling peak runoff rates; (2) Minimizing impervious area; (3) Conserving natural areas; (4) Protecting slopes and channels; and (5) Minimizing effective impervious area through use of turf buffers and grass-lined channels..</p> <p><u>Source Control</u> BMPs include:</p> <p>(1) Education of homeowners regarding landscaping, pet waste, swimming pool maintenance, and (2) inlet stenciling.</p>

Treatment Control BMPs include: (1) Seventeen curb inlet filters; (2) Six hydrodynamic separators; and (3) Two, vegetated water quality treatment basins.

Public Notice: October 21, 2005

Fees: Total Due: \$20,590.00
Total Paid: \$500.00 (check No. 5211)
\$20,090.00 (check No. 00239476)

**ATTACHMENT 2
DISTRIBUTION LIST**

Stacey Jensen
U.S. Army Corps of Engineers

Kelly Fischer
California Department of Fish and Game

Steve Neudecker
Helix Environmental Planning

State Water Resources Control Board
Division of Water Quality